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C O N F I D E N T I A L BRATISLAVA 000462

SIPDIS

STATE FOR EUR/RPM, EUR/CE

E.O. 12958: DECL: 10/09/2018  
TAGS: [PREL](#) [KV](#) [UN](#) [LO](#)  
SUBJECT: SLOVAKIA WILL SUPPORT ICJ REFERRAL ON KOSOVO IN  
ABSENCE OF EU CONSENSUS

REF: STATE 105796

Classified By: Political/Economic Chief Susan Ball, for reasons 1.4 b a  
nd d

11. (C) DCM delivered reftel demarche to Eva Ponomarenkova,  
Director of the MFA's Balkan Section, on October 6.  
Ponomarenkova said that the Slovaks would join an EU-wide  
approach in the unlikely event one emerged, but in the  
absence of consensus would vote to support an ICJ referral on  
Kosovo.

12. (C) Ponomarenkova focused initially on technical and legal  
issues, noting that the referral would not address the  
question of recognition, but rather whether Kosovo's  
declaration of independence was consistent with international  
law. She rejected the notion that moving the issue to the  
court would hamper Serbian moves toward EU integration.  
Pressed on the potential wide-ranging downsides of a court  
ruling, Ponomarenkova asserted that an ICJ acknowledgment  
that the declaration was unlawful would somehow help the  
Serbs move forward. This and previous conversations make  
clear that the MFA buys the Serbian argument that this tactic  
will enable Serbia to "set Kosovo aside," and move ahead with  
practical cooperation with the EU.  
EDDINS